

LAW OFFICES OF ARMAND SALESE, PLLC

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Attorney for Defendants Joytoto USA, Inc. and Joyon Entertainment, Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

CONSUMER PROTECTION
CORPORATION, etc.,

Plaintiff,

vs.

NEO-TECH NEWS, etc., et al.,

Defendant.

No.

NOTICE OF REMOVAL OF
ACTION; VERIFICATION OF
ARMAND SALESE

(Arizona Superior Court, County of
Maricopa Cause No. CV2008-023603)

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA, PHOENIX, ARIZONA

NOTICE IS HEREBY GIVEN that, pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendants Joytoto USA, Inc. and Joyon Entertainment, Inc., hereby remove the state court civil action originally commenced in the Superior Court of the State of Arizona, County of Maricopa, entitled *Consumer Protection Corporation, etc., v. Neo-Tech News, etc., et al.*, Cause No. CV2008-0023603 ("State Court Action") to this Court. In support of such removal, Defendants state as follows:

1. The State Court Action was filed by Plaintiff Consumer Protection Corporation in the Maricopa County Superior Court on or about September 25, 2008, as Cause No. CV2008-023603. True and correct copies of the process, pleadings, and orders served in the State Court Action to date are attached hereto as Exhibit 1.

2. On September 30, 2008, Defendant Joytoto USA, Inc.'s statutory agent was served with process in this action. On October 10, 2008 Defendant Joyon Entertainment, Inc.'s statutory agent was served with process in this action. Accordingly, this Notice of Removal is filed within thirty (30) days after receipt by Defendants of a copy of the

1 Complaint and is timely filed under 28 U.S.C. §1446(b).

2 3. This Court has diversity jurisdiction pursuant to 26 U.S.C. §1332 because: a)
3 Plaintiff Consumer Protection Corporation is an Arizona corporation; b) Defendant
4 Joytoto USA. is incorporated in the State of Nevada and has its principal place of
5 business in the State of California; c) Defendant Joyon Entertainment, Inc. is incorporated
6 in the State of Delaware and has its principal place of business in the State of California.

7 4. Under 28 U.S.C. §§1446 and 1453, venue of this action is proper in the Court
8 as the district and division within which the State Court Action was brought.

9 5. The factual allegations set forth in the Complaint establish that the amount in
10 controversy exceeds the minimum jurisdictional amount of \$75,000.00, exclusive of
11 interest and costs, as provided under 28 U.S.C. §1332.

12 6. A notification of filing of the Notice of Removal to District Court has been
13 filed in the Superior Court of Maricopa County in the State of Arizona. Written Notice of
14 the filing of this Notice of Removal is being delivered to all parties through counsel of
15 record.

16 WHEREFORE, Defendants Joytoto USA, Inc. and Joyon Entertainment, Inc.
17 request that the above-referenced action now pending in the Superior Court of Maricopa
18 County, State of Arizona, be removed to this Court. As required by 28 U.S.C. §1446(d)
19 and Local Rule Civ. 3.7, Defendants Joytoto USA, Inc. and Joyon Entertainment, Inc.
20 will promptly give written notice to Plaintiff through its counsel of record. Defendants
21 Joytoto USA, Inc. and Joyon Entertainment, Inc. shall also file notice with the Clerk of
22 the Maricopa County Superior Court.

23 DATED this 29th day of October, 2008.

24 **LAW OFFICES OF ARMAND SALESE, PLLC**

25 /S/ Armand Salese

26 **Armand Salese**

27 Attorney for Defendants Joytoto USA, Inc.
28 and Joyon Entertainment, Inc.

VERIFICATION OF ARMAND SALESE

I, Armand Salese, verify as follows:

1. I am an active member in good standing of the State Bar of Arizona and am self-employed, doing business as the Law Offices of Armand Salese, PLLC, counsel of record for Defendants Joytoto USA, Inc. and Joyon Entertainment, Inc. I have firsthand knowledge of the matters set forth herein. I submit this verification pursuant to Local Rule Civ. 3.7 and pursuant to Federal Rules of Civil Procedure 11.

2. Attached hereto as Exhibit 1 are true and complete copies of all pleadings and other documents filed in the State Court civil action originally commenced in the Superior Court of the State of Arizona in and for the County of Maricopa, entitled *Consumer Protection Corporation, etc., v. Neo-Tech News, etc., et al.*, Cause No. CV2008-023603.

I verify that the foregoing is true and correct.

Executed this 29th day of October, 2008 at Tucson, Arizona.

LAW OFFICES OF ARMAND SALESE, PLLC

/S/ Armand Salese

Armand Salese

Attorney for Defendants Joytoto USA, Inc.
and Joyon Entertainment, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2008, I electronically transmitted the foregoing document to the Clerk's Office using the ECF System for filing.

I further certify that on October 29, 2008, I served the attached document by U.S. mail on the following:

Peter Strojnik, Esq.
The Law Firm of Peter Strojnik
3030 N. Central, Ste. 1401
Phoenix, AZ 85012

/S/Vicki Adams
Vicki Adams
Assistant to Armand Salese